REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated May 24, 2006 has been received and carefully reviewed. Claims 1-5 and 9-12 are currently pending and claims 6-8 and 13-48 are withdrawn. Reexamination and reconsideration are respectfully requested.

The Office Action rejects claims 1-5, 9, 11, and 12 under 35 U.S.C. § 103(a) as being obvious over German publication DE 193838631 (hereinafter "DE '631") in view of U.S. Patent No. 6,578,902 to Sill (hereinafter "Sill"). Applicant respectfully traverses this rejection.

Claim 1, among others, recites "at least one coupling means provided both to a lateral side of the washing machine or the laundry dryer and a lateral side of the pedestal body for coupling the washing machine or the laundry dryer with the pedestal body." The Office Action at page 2 acknowledges that DE '631 does not disclose the above-noted feature. However, the Office Action applies Sill to compensate for the deficiency of DE '631. Applicant respectfully submits that the combination is impermissible.

Specifically, Applicant submits that Sill is non-analogous art. Furthermore, Sill does not provide a solution to a problem with which the inventor is concerned. M.P.E.P. § 2141(a) states that:

> The examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant"s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in

> considering his problem."); *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993); and *State Contracting & Eng'g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003) (where the general scope of a reference is outside the pertinent field of endeavor, the reference may be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved).

First, Sill is not in the field of Applicant's endeavor. Applicant's claimed invention relates to coupling means for coupling a pedestal to a washing machine or a laundry dryer. In contrast, Sill pertains to devices and configurations for joining consecutive sidewall panels of a trailer or container. See Sill at col. 1, lines 10-13. Nowhere does Sill disclose or even suggest that Sill's invention is suitable for attaching a pedestal to a washing machine or a laundry dryer. As such, Sill is not in the field of Applicant's endeavor.

Furthermore, Sill is not reasonably pertinent to the problem with which Applicant was concerned about. As described in the application, in the case of a washing machine using a pedestal, a worker was required to lay down the washing machine on a floor, tilt the pedestal, fasten the pedestal to the bottom of the washing machine, bring the washing machine having the pedestal fastened thereto into a stand position, and install the washing machine to a desired position. This required much effort and potential injury to the worker. An advantage of the claimed invention was to resolve these problems. See paragraph [0010] of the application.

Sill, on the other hand, addresses problems associated with rivets, splicer plates or uneven interior surfaces that cause protrusions within an interior of a trailer or container. See col. 1, line 66-col. 2, line 11. Sill's solution, as shown in Figs. 4-5, is to provide adhesive sheets 125, 126 between the interior and exterior splicer plates 123, 124 and either or both of the wall panels 115, 116 having recessed region 135. Rivets are then applied to further secure the layered elements. In so doing, protrusions into the interior of the trailer or container is eliminated. See col. 7 and line 15-col. 8, line 29. In other words, Sill's solution

is to provide a recessed region in the wall panels, which clearly, has nothing to do with the problem with which Applicant was concerned about.

In sum, Sill is non-analogous art and cannot be combined with DE '631 to render the claimed invention obvious. Therefore, claim 1 recites patentable subject matter. Claims 2-5, 9, 11, and 12 are also at least allowable by virtue of their dependency on claim 1.

The Office Action rejects claim 10 under 35 U.S.C. § 103(a) as being obvious over DE '631 and Sill, and further in view of U.S. Patent No. 1,756,984 to Mason (hereinafter "Mason"). As discussed above, Applicant respectfully submit that Sill cannot be combined with DE '631 to render claim 1 obvious. Mason does not cure the deficiencies. Therefore, claim 1 recites patentable subject matter. Claim 10 is at least allowable by virtue of its dependency on claim 1.

The Office Action rejects claims 1-5, 9, and 10 under 35 U.S.C. § 103(a) as being obvious over Applicant's Prior Art Admission (hereinafter "APAA") in view of Sill. Applicant respectfully traverses this rejection.

As discussed with respect to claim 1 above, Sill is not in the field of Applicant's endeavor. Further, Sill is not reasonably pertinent to the problem with which Applicant was concerned about. In sum, Sill is non-analogous art. Therefore, Sill cannot be combined with APAA to render the claims obvious. Therefore, claim 1 recites patentable subject matter. Claims 2-5, 9, and 10 are also at least allowable by virtue of their dependency on claim 1.

The application is in a condition for allowance and favorable action is respectfully solicited. If for any reason the Examiner believes a conversation with the Applicant's representative would facilitate the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

By _____

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